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SIPDIS
SENSITIVE

DEPARTMENT FOR EUR/SCE; G/TIP
DOJ FOR OPDAT AND ICITAP

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SUBJECT: SUPREME COURT RELEASES HUMAN TRAFFICKER

REF: 08 TIRANA 292

SENSITIVE BUT UNCLASSIFIED - PLEASE TREAT ACCORDINGLY

1. (SBU) Summary: The Supreme Court recently overturned two suspected traffickers' convictions and a lower court's decision to confiscate their assets, believed to be worth several million euros. The Supreme Court ruled that since the victims were "cohabitating" with their traffickers (the traffickers married the victims under false pretenses and forced them into prostitution in Italy) the victims had to be informed of their right to not testify against their spouses. As the victims were not informed of this right, the Court vacated the convictions and returned the case to a lower court for a retrial. End summary.

2. (SBU) Post has learned that on December 3, 2008 the Supreme Court overturned a lower court's conviction of two suspected traffickers, Fatmir Tahiraj and Arjan Kane, and also overturned the confiscation of several million euros worth of their assets that had been seized by the Prosecutor's Office. According to the Court's decision, Tahiraj's and Kane's convictions were invalid on procedural grounds since the trafficking victims, who were "cohabitating" with the two suspects, should have been informed that they had no obligation to testify against Tahiraj and Kane. (Note: The traffickers "married" the victims under false pretenses, took them to Italy, and forced them into prostitution. Marriage or engagement under false pretenses is the most common method of recruiting victims of trafficking in Albania. End note.) This decision was made in order to protect the important social relationship between husband and wife, according to the Court. Since the women were not informed of this right, the Supreme Court overturned an Appeals Court decision that found them guilty in absentia and seized their assets.

3. (SBU) As reported reftel, on December 11, 2007, the Serious Crimes Appeals Court sentenced Tahiraj and Kane in absentia to 20 years in prison and confiscated their assets, determining that the two had been engaged in human trafficking since 1997 and had used the proceeds to build a large business empire in Tirana and Fier. One of the vic said she was exourt's overw`elming concern for the sanctity of the importantsocial relationship between husband and wife is ad-irable, in this case, where women were married under false pretenses, forced into prostitution, and habitually abused, the Court's ruling is disingenuous. (Note: The lower court found that these abuses did in fact occur. End note.) Furthermore, one of the victims in this case came forward to the police herself and asked them to prosecute the case. This case was first brought to our attention by a senior Albanian court official who feared, correctly it seems, that significant pressure and money were being used in order to overturn the lower court's verdict. At this time it is not clear how the case will continue as the whereabouts of the victims are unknown and it seems unlikely that, after this decision, they would return to give their testimony again.

WITHERS